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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,714 10/22/2003		0/22/2003	Roberto Amarante Rossi	033794/270621	9767
826	7590	07/29/2005	EXAMINER		INER
ALSTON &	& BIRD L	LP	NGO, LIEN M		
BANK OF A	AMERICA	PLAZA			
101 SOUTH	TRYON	STREET, SUITE 40	ART UNIT	PAPER NUMBER	
CHARLOT	re, nc 2	8280-4000	3727		

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

TIT

Examiner LIEN TM NGO - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of this COMMUNICATION Extensions of time may be available under the provisions of 37 CFR 1.13(a), in no event, however, may a reply be timely filled - If the period to reply appeal the circuit of the provisions of 37 CFR 1.13(a), in no event, however, may a reply be timely filled - If the period to reply appeal the circuit of the provisions of 37 CFR 1.13(a), in no event, however, may a reply be timely filled - If the period to reply appeal the circuit of the provisions of 37 CFR 1.13(a), in no event, however, may a reply be timely filled - If the period to reply appeal the circuit of the provisions of 37 CFR 1.13(a), in no event, however, may a reply be timely filled - If the period to reply appeal the circuit of the summary follows a fill the state of the state of the summary filled apply and will be called the state of the summary filled apply and will be supply and will be state of the communication. Provided the summary filled apply and will be supply apply and will be summary filled. And the communication of the summary filled apply and will be summary filled. And the communication of the summary filled apply and filled apply and the summary filled apply and the summary filled			Application No.	Applicant(s)				
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Application/Control Number: 10/690,714

Art Unit: 3727

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claims 1 and 12, the second sealing element presenting a thickness considerably larger with respect to the rest of the closure is not supported in the specification.

3. Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claims 1,12 and 18, it does not make sense that why the first, second and third sealing elements are made the same material of the closure, the first and third sealing elements are deformable but the second sealing element is non-

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deformable. The second sealing element can be compressed and exert a bending moment; therefore, the second sealing element is not non-deformable.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1-3, 5-9, and 11-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Thompson (5,275,287). Thompson discloses, in figs. 1 and 2, a closure comprising a sealing system having a first sealing element 20, a second sealing element 43 and a third sealing element 31 substantially as claimed.
- 3. Claims 1-3, 5-9, and 11-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Aichinger et al. (4,489,845) or Grussen (4,090,631).

Aichinger et al. disclose, in figs. 1 and 2, a closure comprising a sealing system having a first sealing element 13, a second sealing element 10 and a third sealing element 5 substantially as claimed.

Grussen discloses, in figs. 1 and 2, a closure comprising a sealing system having a first sealing element 11, a second sealing element 15 and a third sealing element 16 substantially as claimed.

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Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 5. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson or Aichinger or Grussen. Although Thompson or Aichinger or Grussen does not disclose the shapes of the first and third sealing elements as claimed, it would have been an obvious matter of design choice to make the Thompson or Aichinger or Grussen sealing elements with the shapes as claimed, since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art as the applicant admits in the present specification page 8/lines 6-8, and page 9/ lines 1, 2 and 11-13.

Response to Arguments

6. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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than SIX MONTHS from the date of this final action.

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 571-272-4545. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NATHAN NEWHOUSE can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LIEN TM NGO Primary Examiner Art Unit 3727

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July 27, 2005